

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA, PLAINTIFF,

v. CIVIL ACTION NO. 1:19-cv-293-LG-RHW

\$14,800.00 IN UNITED STATES CURRENCY, ET AL., DEFENDANT PROPERTY.

DEFAULT JUDGMENT OF FORFEITURE

Before the Court is Plaintiff United States of America's [11] Motion for Default Judgment of Forfeiture. Having considered the Motion and the relevant authorities, the Court finds that the relief the United States seeks should be granted. The Court further finds and adjudicates as follows:

1. On May 24, 2019, the United States filed in the above-styled cause a Verified Complaint [1] for Forfeiture *in Rem*. The Verified Complaint alleges that the “**Defendant Property**”—

Asset Description	Asset ID Number
\$14,800.00 in United States Currency	18-ICE-001826
HP Pavilion Laptop, Serial #: 5CD60445ZL, Passcode: 3121151	18-ICE-001828
Miscellaneous documents	18-ICE-001829
Credit Card Scanner-DEFTUN, MSR X6, SN: 0616108644	18-ICE-001830
Apple iPhone 7, in black protective case, telephone number 305-218-5458, ICCID-89014103277311885193	18-ICE-001831
Three (3) counterfeit credit cards: (1) Citi Bank “thankyou Preferred” Visa “Travel Card” with no embossed credit card number, but encoded with Bank of America credit card number 474476xxxx4068, in the name of M.D.; (2) Bank of America Visa “Travel Card” embossed with ITS Merchants and Planters Bank credit card number 400799xxxx7758, but encoded with Bank of Botetourt credit card number 449548xxxx6015; and	18-ICE-001827 18-ICE-001832

(3) JP Chase Visa eBay “Travel Card” embossed with Wells Fargo Bank credit card number 473702XXXX3570, but encoded with CNB Bank credit card number 473311XXXX2745.	
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—is subject to forfeiture under 18 U.S.C. § 492, 18 U.S.C. §§ 981(a)(1)(C) and (a)(1)(D), and 28 U.S.C. § 2461.

2. On May 28, 2019, the Court issued a Warrant of Arrest *in Rem*. Warrant of Arrest *in Rem*, ECF No. 4.

3. Although Jorge Alberto Perez and Alexey Aguilera waived their rights—pursuant to Rule G(4)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions—to direct, written notice of this instant civil asset forfeiture action, on May 28, 2019, the United States sent Perez and Aguilera (the only potential claimants reasonably known to the United States) copies of the Verified Complaint for Forfeiture *in Rem*, Application for Warrant of Arrest *in Rem*, Warrant of Arrest *in Rem*, and Notice of Complaint for Forfeiture, via e-mail to their respective attorneys of record, as evidenced by the United States’ Proof of Service, filed with this Court on August 5, 2019. *See* Proof of Service, ECF No. 8.

4. Beginning on May 30, 2019, the United States published for thirty (30) consecutive days on an official government internet website at www.forfeiture.gov notice of this instant civil asset forfeiture action against the **Defendant Property**, as evidenced by the Proof of Publication filed in this cause on August 5, 2019. *See* Proof of Pub., ECF No. 7.

5. The publication and direct notice informed Jorge Alberto Perez and Alexey Aguilera, and all other persons or entities, known or unknown, having or claiming an interest in the **Defendant Property** that the **Defendant Property** had been arrested and that this instant civil forfeiture action was pending. The publication and direct notice also informed said persons and

entities claiming an interest in the **Defendant Property** had at least thirty-five (35) days after the plaintiff mailed its direct notice, or sixty (60) days after the first website publication on an official government website, to file a claim and twenty (20) days after filing such claim to file an answer to the Complaint. Furthermore, the notice referred to Rule G(5) of Supplemental Rules of Admiralty and Maritime Claims and Asset Forfeiture Actions, and informed any claimant that if the Supplemental Rules were not followed, the Court could strike any claim and answer and enter default judgment of forfeiture or summary judgment against any improperly claimed interest in the **Defendant Property**.

6. As of this date, no claims, answers, or appearances in this cause have been filed. Thus, the time to file a valid claim or answer in this action has lapsed pursuant to Supplemental Rule G.

7. As such, all possible claimants are in total default; the Clerk of Court's August 6, 2019, Entry of Default [ECF No. 10] was proper; and the United States is entitled to a default judgment of forfeiture against the **Defendant Property**.

IT IS, THEREFORE, ORDERED AND ADJUDGED THAT:

a. The United States of America is hereby given a default judgment of forfeiture against the **Defendant Property** described below:

Asset Description	Asset ID Number
\$14,800.00 in United States Currency	18-ICE-001826
HP Pavilion Laptop, Serial #: 5CD60445ZL, Passcode: 3121151	18-ICE-001828
Miscellaneous documents	18-ICE-001829
Credit Card Scanner-DEFTUN, MSR X6, SN: 0616108644	18-ICE-001830
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<p>(1) Citi Bank “thankyou Preferred” Visa “Travel Card” with no embossed credit card number, but encoded with Bank of America credit card number 474476xxxx4068, in the name of M.D.;</p> <p>(2) Bank of America Visa “Travel Card” embossed with ITS Merchants and Planters Bank credit card number 400799xxxx7758, but encoded with Bank of Botetourt credit card number 449548xxxx6015; and</p> <p>(3) JP Chase Visa eBay “Travel Card” embossed with Wells Fargo Bank credit card number 473702XXXX3570, but encoded with CNB Bank credit card number 473311XXXX2745.</p>	
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b. Any administrative claims or interests therein of any entities or persons, and any other possible claimant are hereby canceled;

c. The **Defendant Property** is referred to the custody of United States Department of the Treasury for disposition in accordance with the relevant law and regulations.

SO ORDERED AND ADJUDGED this the 8th day of August, 2019.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE